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10/820,728	04/09/2004	Ching-Ho Fang	MR1035-1445	9023
4586 7590 03/26/2008 ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043				
EXAMINER				
NGUYEN, PHUNG HOANG JOSEPH				
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4183				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,728

Applicant(s)

FANG ET AL.

Examiner

PHUNG-HOANG J. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 103***

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, 9-10, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berlyoung et al (US Pat 7,177,412) in view of Brown (US Pat 7,130,405).

As to claim 1, Berlyoung teaches a method for broadcast transmitting multimedia messages (See Abstract), comprising:

a service provider (i.e., Service Provider network 18 of fig. 1; col. 3, line 56) and a common service platform (Control Unit 12 of fig. 1; col. 3, line 40);

a plurality of customer premises equipment (CPE's) (i.e., a plurality of local communication devices 20 over a wireless Local Area Network 22 (or by a wired

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network connection 23 to the backbone wired network of the wireless Local Area Network 22; col. 3, lines 40-44) and common service platform (i.e., control unit 12).

the service provider (i.e., Service Provider network 18) sends at least one multimedia message (i.e., multi-media communications; Col. 2, line 8; or the outgoing calls and incoming calls and multi-party conference calls; col. 4, lines 35-39) as well as related information regarding the CPE's that are to receive the at least one multimedia message (i.e., multi-media communications; Col. 2, line 8; or the outgoing calls and incoming calls and multi-party conference calls; col. 4, lines 35-39) to the common service platform (i.e., control unit 12);

the common service platform (i.e., control unit 12) sends the at least one message to the plurality of CPE's via a multimedia messaging server (See Summary, col. 2, lines 3-16).

Berlyoung does not specifically teach that:

a service provider registers with a common service platform

a plurality of customer premises equipment (CPE's) register with the common service platform

the common service platform determines whether the CPE's designated by the service provider are registered;

Brown however teaches a method of identity authentication (Brown: fig. 2 and also see the detail description on fig. 2) and how a context inference system operates to verify the identity of the caller via a VID (Voice Identifier) to perform the caller authentication by passwords, eye scans, encryption, and other

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biometric methods (Brown: col. 10, lines 35-46). Furthermore, Brown teaches the method is not limited to caller's identity authentication but also include the identity of devices utilized for the call, the location of the devices utilized for the call, and a billing plan for the call (col. 3, lines 6-9) for the purpose of securing the identify of the caller/callee and to ensure that the caller/callee is an intended user and all the equipment, device and service must be legally verified.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to add a step or two from the teachings of Brown into Berlyoung for the purpose of providing a registration requirement that a service provider registers with a common service platform, a plurality of customer premises equipment (CPE's) register with the common service platform and the common service platform determines whether the CPE's designated by the service provider are registered.

As to claims 3 and 4, Berlyoung does not teach the common service platform (i.e., control unit 12) provides at least one password or one username to the service provider (i.e., Service Provider network 18) and at least one password or username to each CPE.

Brown teaches the authentication information may be provided, but not limited to, a password, an eye scan, a smart card ID, and other security devices (col. 5, lines 60-62). Furthermore, Brown teaches authentication of the identity of the caller is preferably initiated in Intelligent Peripheral 17 of fig. 1 or Telco

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application server 22 (col. 9, lines 35-36) for the purpose of securing the identify of the caller/callee and to ensure that the caller/caller is an intended user.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teachings of Brown into Berlyoung for the purpose of providing a security method to prevent any misuse of the communication process. Certainly, it is to provide greater protection of privacy.

As to claim 5, Berlyoung, in view of Brown, teaches the multimedia message (i.e., Berlyoung: multi-media communications; Col. 2, line 8; or the outgoing calls and incoming calls and multi-party conference calls; col. 4, lines 35-39) comprises an image, an animation, an audio clip, or text or a combination of the above. (i.e., Berlyoung: messages received from the control unit 12, generating an image on the touch panel graphic display 72; col. 11, lines 35-36).

As to claim 6, Berlyoung teaches the use of IP Suite for communication at the IP level. He also teaches the use of Web server to provide additional multi-media communication services, email, and voice mail. Berlyoung does not teach the common service platform (i.e., control unit 12) utilizes hypertext transfer protocol (HTTP); enterprise java beans (EJB), or extended markup language (XML) for communicating with the service provider (i.e., Service Provider network 18).

Brown teaches the use of HTTP protocol for message exchanges (col. 5, line 28) as a preferable way of accessing message and data.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teachings of Brown into Berlyoung for the purpose clearly defining the protocol use for the communication method between the client and server.

As to claim 9, Berlyoung, in view of Brown, teaches the service provider (i.e., Service Provider network 18) uses a public telecom network (i.e., Berlyoung: PSTN 42 of fig. 1; col. 3, line 54) a limited telecom network, a local area network, a wide area network, a radio network, a satellite network, an optical cable network, a computer network or a cable TV network to transmit multimedia messages (i.e., Berlyoung: multi-media communications; Col. 2, line 89) to the common service platform (i.e., Berlyoung: control unit 12; Also see detail description of fig. 1).

As to claim 10, Berlyoung, in view of Brown, teaches the common service platform (i.e., control unit 12) uses a public telecom network (i.e., Berlyoung: PSTN 42 of fig. 1; col. 3, line 54), a limited telecom network, a radio network, a satellite network, an optical cable network, a computer network or a cable TV network to send the multimedia messages (i.e., Berlyoung: multi-media communications; Col. 2, line 8) to the CPEs (See detail description of fig. 1).

As to claims 15-17, Berlyoung teaches the CPE, common service platform, and to register or select content (i.e., provide main menu display content and style sheet, Fig. 9a, label 312 and fig. 9b, label 328) of the multimedia message. He does not specifically teach that: the CPE uses

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information network to connect to the common service platform, the information network comprises the Internet and the information network is a public telecom network, a limited telecom network, a radio network, a satellite network, an optical cable or fiber optic network, or a cable TV network.

Brown teaches the CPE (i.e., telephony device 8a...8n of fig. 1) connecting to the PSTN network 10) uses information network (i.e., PSTN network 10 of fig. 1) connecting the common service platform (i.e., systems management server 28 represent server systems external to PSTN 10 that may be accessed by PSTN 10 over network 20, col. 4, lines 53-59) whereat the information network is a public telecom network (i.e., PSTN that connects to the Telco Application Server 22 via Gateway 12 and 14 of fig. 1). The purpose is for the Telco application server 22 to include multiple Telco specific service applications for providing services to calls transferred to a server external to PSTN 10 (col. 4, lines 60-63) and furthermore, enhancing the specialization of services to subscribers (col. 5, line 14)

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teachings of Brown into Berlyoung for the purpose of providing wider services to the customer with greater security and privacy.

As to claim 18, Berlyoung in view of Brown teaches the CPE uses a telephone (i.e., PSTN system of fig. 2) to connect (coupling via PSTN interface 25) to the common service platform (i.e., control unit 12) in order to register or to

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select content (i.e., provide main menu display content and style sheet, Fig. 9a, label 312 and fig. 9b, label 328) of the multimedia messages (i.e., multi-media communications; Col. 2, line 8; or the outgoing calls and incoming calls and multi-party conference calls; col. 4, lines 35-39) that the service provider (i.e., Service Provider network 18) provides.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berlyoung et al (US Pat 7,177,412) in view of Brown (US Pat 7,130,405) further in view of Zimmerman et al (US Pat 6,526,131).

As to claims 7-8, Berlyoung in view of Brown teaches the related information regarding the CPE's that are to receive the at least one multimedia message (i.e., Berlyoung: multi-media communications; Col. 2, line 8; or the outgoing calls and incoming calls and multi-party conference calls; col. 4, lines 35-39). Berlyoung does not specifically teach comprising usernames of the CPE or usernames and passwords or mobile phone numbers of the CPE's.

However, Zimmerman teaches the Network Access Service Provider runs an authentication server 19 for authenticating users by username and password (Zimmerman: Col. 6, line 32) for the purpose of authenticating the users.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teachings of Zimmerman into Berlyoung in view of Brown for the purpose of enhancing the verification process in an initiation of communication between network service system and customer-premises equipment.

Claims 2, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berlyoung et al (US Pat 7,177,412) in view of Brown (US Pat 7,130,405) further in view of Fenton et al (US Pub 2003/0193967).

As to claim 2, Berlyoung in view of Brown does not teach the service provider (i.e., Service Provider network 18) and the common service platforms (i.e., control unit 12) are a same server.

Fenton teaches the MMSE 114 encompasses all the various elements that provide a complete MMS 100 to a user (par. 0027-0028) whereat the MMS Relay 128 and MMS Server 130 can be separate logical elements as shown, or they can be combined into a single MMS Relay/Server element (par. 0029) for the purpose of providing convergence functionality between external servers 138 and MMS User Agents 102, 104, 106, 108, 110 and 112 to enable the integration of different server types across different networks (par. 0030).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teachings of Fenton into Berlyoung in view of Brown for the purpose of offering full support for every type of communications session in today's world.

As to claims 11 and 19, Berlyoung in view of Brown does not specifically teach after the CPE has received the multimedia message (i.e., Berlyoung: multimedia communications; Col. 2, line 8), the CPE sends a reply back to the common service platform (i.e., Berlyoung: control unit 12). Furthermore,

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Berlyoung in view of Brown does not teach the CPE can set a time of delivery for receiving the multimedia message.

Fenton teaches a reply back (i.e., Fenton: read_reply_report, par. 0086, line 14; also see Table 26-27 in replying to the delivery_report, par 0126) for the purpose of acknowledging that multimedia message has been received, has been read, or has deleted without reading the actual content of the message (Fenton: Table 26).

Furthermore, Fenton teaches the forwarding MMS User Agent may time stamp the multimedia message. The forwarding MMS User Agent may request an earliest desired time of delivery of the multimedia message (par. 0086, line 8)

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teachings of Fenton into Berlyoung in view of Brown for the purpose of letting the originator know about the status of the message and the originator can follow up with the "next-action-taken". Furthermore, multimedia message having the time stamp is always helpful to the recipients to know when the message arrives and to take appropriate action on the message.

Claims 12 -14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berlyoung et al (US Pat 7,177,412) in view of Brown (US Pat 7,130,405) further in view of Marino et al (US Pat 6,026,165).

Berlyoung in view of Brown does not teach the CPE can delete registration data in order to refuse multimedia message from the service

provider. Furthermore, Berlyoung in view of Brown does not teach CPE can select content on the common service platform to prevent receiving unwanted multimedia messages. And furthermore, Berlyoung in view of Brown does not teach the CPE can select the service provider on the common service platform to prevent receiving multimedia messages from unwanted service providers.

Marino teaches a method of de-registration comprising of a command to delete all registration data disabling the receiver from responding to further encrypted data message (Marino: col. 4, line 45) for the purpose of enhancing the system security, where in the encryption key is not conveyed or easily read or decrypted by human means (Marino: col. 1, lines 16-17).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teachings of Marino into Berlyoung in view of Brown for the purpose of preserving the integrity of the communication process and protecting user from unwanted message and unwanted service providers who attempt to spam with advertisements.

INQUIRY

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 7:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571 272 1184. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 20, 2008

/Phung-Hoang J Nguyen/
Examiner, Art Unit 4183

/Len Tran/
Supervisory Patent Examiner, Art Unit 4183